

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Requests for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Adel-Desoto-Minburn Community School)	File No. SLD-311510
Adel, Iowa)	
)	
Baltimore County Public Schools)	File No. SLD-231820
Towson, Maryland)	
)	
Derby Public Schools)	File No. SLD-308909
Derby, Connecticut)	
)	
Madison School District 321)	File No. SLD-216730
Rexburg, Indiana)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: December 21, 2004

Released: December 22, 2004

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration Requests for Review filed by Adel-Desoto-Minburn Community School, Adel, Iowa; Baltimore County Public Schools, Towson, Maryland; Derby Public Schools, Derby, Connecticut; and Madison School District 321, Rexburg, Indiana.¹ The Requests for Review seek review of decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). Consistent with precedent, we deny the Requests for Review.

2. Each of SLD's decisions at issue in the Requests for Review involves a denial of funding on the ground that the applicants violated the Commission's competitive bidding requirements.² Under

¹ Letter from Shirley McAdon, Adel-Desoto-Minburn Community School District, to Federal Communications Commission, filed November 15, 2002; Letter from Greg Barlow, Baltimore County Public Schools, to Federal Communications Commission, filed August 30, 2002; Letter from James Freund, Derby Public Schools, to Federal Communications Commission, filed December 16, 2002; Letter from Varr Shedaker, Madison School District 321, to Federal Communications Commission, filed November 21, 2002 (collectively, Requests for Review).

² See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Shirley McAdon, Adel-Desoto-Minburn Community School District, dated October 17, 2002; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Greg Barlow, Baltimore County Public Schools, dated July 26, 2002; Letter from Schools and Libraries Division, Universal Service Administrative Company, to James Freund,

program rules, applicants must submit a new FCC Form 470 each Funding Year for tariffed or month-to-month services that are not part of a signed, written contract.³ An applicant's decision to extend the term of its contract or to continue service after the contract expires does not relieve the applicant of the responsibility to comply with program rules for those services.⁴ Once a service contract expires, a new Form 470 must be filed and posted on SLD's website for 28 days in order to be in compliance with competitive bidding rules.⁵ In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services.⁶ With regard to assertions that the applicants were misinformed by SLD, we have consistently held that where a party receives erroneous advice, the government is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly when relief is contrary to a rule.⁷ Each of the petitioners in the Requests for Review violated one or more of the above-cited competitive bidding requirements. In keeping with our prior decisions, we deny the Requests for Review.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the requests filed by Adel-Desoto-Minburn Community School, Adel, Iowa, on November 15, 2002; Baltimore County Public Schools, Towson, Maryland, on August 30, 2002; Derby Public Schools, Derby, Connecticut, on December 16, 2002; Madison School District 321, Rexburg, Indiana, on November 21, 2002, are DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

Derby Public Schools, dated October 17, 2002; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Varr Shedaker, Madison School District 321, dated October 21, 2002.

³ See *Request for Review by Chickasaw Regional Library System, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-142924, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 683 (Com. Car. Bur. 2002) ("An applicant seeking funding for month-to-month services from a provider must submit the service for competitive bidding even if it is a continuation of a service that was bid in the previous year.")

⁴ See *Request for Review by Chatham County Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-84775, CC Docket Nos. 96-45 and 97-21, Order, DA-99-2954 (Com. Car. Bur. rel. Dec. 21, 1999).

⁵ See 47 C.F.R. § 54.504(b), (c). See also *Request for Waiver by Roanoke Rapids Graded School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File Nos. SLD-222879, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 23514 (Wireline Comp. Bur. 2002).

⁶ See 47 C.F.R. § 54.504(b); Description of Services Requested and Certification Form (FCC Form 470), OMB 3060-0806 (September 1999) (Form 470 Instructions) at 2-3.

⁷ See *Request for Waiver by Lombard School District 44, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-109411, CC Docket Nos. 96-45 and 97-21, Order, 14 FCC Rcd 13166 (Com. Car. Bur. 1999).